



Colorado  
Legislative  
Council  
Staff

HB17-1338

## FISCAL NOTE

**FISCAL IMPACT:** ☒ State ☒ Local ☐ Statutory Public Entity ☐ Conditional ☐ No Fiscal Impact

**Drafting Number:** LLS 17-1189

**Date:** April 21, 2017

**Prime Sponsor(s):** Rep. Bridges  
Sen. Marble; Kagan

**Bill Status:** House Judiciary

**Fiscal Analyst:** Kerry White (303-866-3469)

**BILL TOPIC:** MUNICIPAL COURT BOND HOLD NOTIFICATION AND HEARING

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue Cash Funds	Potential minimal increase.	
State Expenditures	Potential minimal workload increase.	
TABOR Impact	Potential minimal increase.	
Appropriation Required: None.		
Future Year Impacts: Ongoing potential minimal revenue and workload increases.		

### Summary of Legislation

This bill establishes procedures related to a defendant held in jail due to a municipal hold.

**Procedures for municipal holds.** It sets time frames for the notification of the municipal court of a municipal hold when the defendant is in jail and does not immediately receive a personal recognizance bond (PR bond). When the municipal hold is the sole basis for detention, the jail is required to notify the court within four hours; in other cases, notification is required to be prompt. In instances where the detention is solely due to a municipal hold, the court must transfer the defendant to the court for a hearing within two calendar days. When a defendant has previously failed to appear for a case at least twice and is jailed in a county other than the one in which the demanding municipal court is located, the transfer and hearing must occur within four calendar days. Under the bill, Sundays and federal holidays are excluded from the definition of a calendar day. If the defendant is not brought to municipal court in time, he or she is to be released on an unsecured PR bond unless otherwise uncooperative.

**Transfer-related hearings.** During the required hearing, the court must either arraign the defendant or, if the defendant was arrested for failure to appear, conduct the proceedings for which the defendant failed to appear except when that proceeding is a trial, evidency hearing, or requires the presence of a witness. If the case isn't resolved at this hearing, the municipal court is required to immediately conduct a bond hearing to consider and set the least restrictive conditions for the defendant's release on bond.

***Municipal court orders.*** Each municipal court is required to adopt standing orders to implement the bill and to provide those orders to each jail within the county where the municipal court is located. In every arrest warrant issued by a municipal court, the court is required to order that the defendant be released on a PR bond with no other conditions if the transfer timelines described above are not adhered to.

### **State Revenue**

Beginning in FY 2017-18, the bill may increase state cash fund revenue in the Judicial Department. To the extent that a municipal defendant petitions a district court for relief, the court will collect a filing fee of \$224. Additional filings are expected to be minimal, which will increase revenue by a minimal amount.

### **TABOR Impact**

This bill may increase state cash fund revenue from court filing fees, which may increase the amount of money required to be refunded under TABOR for FY 2017-18 and FY 2018-19. TABOR refunds are paid out of the General Fund. Since the bill increases the TABOR refund obligation without a corresponding change in General Fund revenue, the amount of money available in the General Fund for the budget will decrease by an identical amount.

### **State Expenditures**

Beginning in FY 2017-18, the bill may increase workload for the Judicial Department if a municipal defendant petitions a district court for relief. This workload impact is anticipated to be minimal and will not require an adjustment in appropriations for any agency of the Judicial Department.

### **Local Government Impact**

***Municipal courts.*** This bill impacts municipal courts in several ways. Workload will increase for courts to adopt standing orders concerning the treatment of certain defendants and to share that information with county jails. The bill accelerates the timing of certain court hearings, which may alter the court's workload or increase costs, especially if it results in additional bond hearings. If the bill results in more defendants being released on unsecured pr bonds without conditions, workload may decrease. Finally, to the extent that the physical transfer of defendants becomes the responsibility of municipal courts, costs will increase. As of this writing, no data are available from which to estimate the impact of this bill on municipal courts.

***Counties.*** To the extent that the bill reduces the amount of time a defendant spends in jail awaiting a municipal court hearing, costs will be reduced. The cost to house an offender in county jails varies from about \$53 to \$114 per day. As of this writing, no data are available to estimate the potential savings to counties.

**Effective Date**

The bill takes effect January 1, 2018, if no referendum petition is filed.

**State and Local Government Contacts**

Counties	Judicial	Local Affairs
Municipalities	Sheriffs	